

MICAH RAY KILGORE	§	
v.	§	CIVIL ACTION NO. 6:12cv484
ANDREW KIRBY, ET AL.	§	

The Plaintiff Micah Kilgore, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged violations of his constitutional rights in the Texas Department of Criminal Justice, Correctional Institutions Division. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges. As Defendants, Kilgore names officers Andrew Kirby, Jennifer Chandler, and Matthew Carmichael, substitute counsel Rachel Gruetzner, and regional grievance coordinator Linda Richey.

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The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243 (1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). It is accordingly

ORDERED that the Report of the Magistrate Judge (docket no. 14) is ADOPTED as the opinion of the District Court. It is further

ORDERED that the Plaintiff's claims against the Defendants Jennifer Chandler, Mathew Carmichael, Rachel Gruetzner, and Linda Richey are hereby DISMISSED with prejudice as frivolous and for failure to state a claim upon which relief may be granted. These Defendants are hereby DISMISSED as parties to this lawsuit. The dismissal of these claims and parties shall have no effect upon the Plaintiff's claims against Officer Kirby. Finally, it is

ORDERED that the dismissal of these claims and parties shall not count as a strike for purposes of 28 U.S.C. §1915(g) unless otherwise ordered by the Court.

**It is SO ORDERED.**

**SIGNED this 30th day of April, 2013.**

  
MICHAEL H. SCHNEIDER  
UNITED STATES DISTRICT JUDGE